

**PRACTICE NOTE**  
**Claims for Disbursements at a hearing**

The Board would set out the following principles again in respect of claims of disbursements: -

- a. It is within the discretion of the Board to approve and authorize the repayments for expenses of the subject incurred prior to hearing date and paid by relatives and friends. However, it is not a mandatory duty on the part of the Board to approve such debts as the Board is not functioning as a tribunal adjudicating on money debts.
- b. The discretion is only exercisable after considering the size of the savings of the subject on hand and his/her receivable cash.
- c. There should be no need for case workers to “fight for” the approval of such debts repayment authorization. Their duty owes to Board is to present the facts with supporting evidence and an assessment on their support level to each of the claims. There is utterly no need to give or purportedly to give the claimant a false hope that his/her claim will be entertained. If the case workers would like to show empathy or to gain working rapport, he/she may consider other avenues.
- d. The case worker should consider if the future monthly disposable sum (i.e. the maximum monthly amount authorized by the Board plus disability allowance) would have any surplus, after meeting the current monthly expenses, to actually effect repayments.
- e. The case worker must explain to the claimants, who usually are close relatives, that as a matter of bondage or filial piety (as the case may be) of Chinese or other culture, it is not a matter of course that he or she must lay a claim.
- f. The discretion of the Board would likely be facilitated by the followings: -
  - (i) a well presented assessment in the usual template together with supporting receipts (or evidence of payments) and **such documents must be already enumerated by individual numbers;**
  - (ii) in the assessment form, both Part I and Part II are clearly filled out, with clear reference of the name(s) of the claimant(s)/debtor(s);

- (iii) the final calculation of the assessment form must include the deduction of disability allowance received and to be received shortly;
- (iv) **such a completed assessment form or the updated version of the form must reach the Board 1 (one) working day before the hearing.**

**Late submission will not be entertained by the Board.**

- (v) **To tie with point (iv) immediately above, it is the duty of the case workers to set a deadline for the claimant to submit supporting receipts well in advance to him/her and to clearly inform (whether orally or in writing) the claimant of the consequence that if the claimant cannot provide supporting receipts on or before the deadline as set by the case worker, no claim will be submitted to the Board for approval. Such a deadline to be set by the case worker may vary in circumstances. Nonetheless, the case worker should take into account of the time limit set out in point (iv) above.**

This step will solve the problems of the case workers such as claimants being unable to be reached easily or are difficult to find or unco-operative in submitting supporting receipts to them for processing.

- (vi) The Board will no longer entertain last minute claims made at the door of the hearing room, templates filled out by hand at those very last minutes, handing up of bundles of receipts for the Secretariat to make copies or for checking while holding up the start of the hearings, etc.
- (vii) **As a quasi-judicial tribunal, the Board needs to find direct (and not hearsay) evidence in order to approve debts repayment. Thus, case workers should inform claimants that they must attend the hearing in-person to apply for reimbursements. Only in case of infirmities or illnesses or other extreme situations, the claimant may be excused from attending the hearing with the permission of the Board. In that case, the claimant needs to make his/her claim in writing.**

g. This practice note is to be issued to case workers for guidance.

Guardianship Board Secretariat  
4 March 2010